

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

29650

FILE: B-216630; B-216630.2 **DATE:** October 22, 1984

MATTER OF: Smith Machinery Co., Inc.; Todd
Machinery, Inc.

DIGEST:

Protests alleging improprieties in an IFB apparent prior to bid opening, but filed after bid opening, are untimely and not for consideration.

Smith Machinery Co., Inc. (Smith), and Todd Machinery, Inc. (Todd), protest that the requirements in invitation for bids (IFB) No. DAAG49-84-B0143 issued by the Tooele Army Depot, Utah, are unduly restrictive.

Our Bid Protest Procedures provide that a protest alleging improprieties in an IFB that are apparent prior to bid opening must be filed with either the contracting agency or this Office before bid opening. 4 C.F.R. § 21.2(b)(1) (1983). The bid opening date in this instance was September 28, 1984. Smith's & Todd's protests, however, were not filed until October 1, 1984, and October 5, 1984, respectively. Therefore they are untimely and not for consideration on the merits. See Davlin Paint Company, B-214050, Jan. 23, 1984, 84-1 C.P.D. ¶ 105.

The protests are dismissed.

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General Counsel

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